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US District Court Civil Docket

US District Court for the Eastern District of Missouri
(Eastern)

4:03cv732

Solae, LLC v. Archer Daniels Co, et al

This case was retrieved from the court on Monday, April 5, 2004

Date Filed: 06/03/2003	Class Code: AO120, TRCK3
Assigned To: Honorable Henry E Autrey	Closed: No
Referred To:	Statute: <u>28:1338</u>
Nature of suit: Patent (830)	Jury Demand: Both
Cause: Patent Infringement	Demand
Lead Docket: None	Amount: \$0
Other Docket: None	
Jurisdiction: Federal Question	

Litigants

Solae, LLC
PLAINTIFF

Attorneys

Andrew Rothschild
[COR LD NTC]
Lewis and Rice
500 N Broadway
Suite 2000
St Louis, MO 63102-2147
USA
314-444-7600
Fax : 314-241-6056
Email: Arothschild@lewisrice.com

C David Goerisch
[COR LD NTC]
Lewis and Rice
500 N Broadway
Suite 2000
St Louis, MO 63102-2147
USA
314-444-7600
Fax : 314-241-6056
Email: Dgoerisch@lewisrice.com

David F Ries
[COR LD NTC]
[Term: 01/08/2004]
Clifford Chance US LLP
200 Park Avenue
New York, NY 10166
USA

212-878-8000
Fax : 212-878-8375
Email: David.ries@cliffordchance.com

Michael J Hickey
[COR LD NTC]
Lewis and Rice
500 N Broadway
Suite 2000
St Louis , MO 63102-2147
USA
314-444-7600
Fax : 314-241-6056
Email: Mhickey@lewisrice.com

Patricia A Carson
[COR LD NTC]
Kaye Scholer LLP
425 Park Avenue
New York , NY 10022
USA
212-836-7466
Fax : 212-836-8689
Email: Pcarson@kayescholer.com

Thomas F Fleming
[COR LD NTC]
Kaye and Scholer
425 Park Avenue
New York , NY 10022
USA
212-836-7515
Email: Tfleming@kayescholer.com

v.

Archer Daniels Midland Company
DEFENDANT

David KS Cornwell
[COR LD NTC]
Sterne and Kessler PLLC
1100 New York Avenue, NW
Washington , DC 20005
USA
202-772-8538
Fax : 202-371-2540
Email: Davidc@skgf.com

Donald R Banowit
[COR LD NTC]
Sterne and Kessler PLLC
1100 New York Avenue, NW
Washington , DC 20005
USA
202-772-8538
Fax : 202-371-2540
Email: Dbanowit@skgf.com

Kirill Y Abramov
[COR LD NTC]
Sonnenschein and Nath LLP
One Metropolitan Square
Suite 3000
St Louis , MO 63102
USA

314-241-1800
Fax : 314-259-5959
Email: Kabramov@sonnenschein.com

Michael T Marrah
[COR LD NTC]
Sonnenschein and Nath, LLP
One Metropolitan Square
Suite 3000
St Louis , MO 63102
USA
314-241-1800
Fax : 314-259-5959
Email: Mmarrah@sonnenschein.com

Stephen H Rovak
[COR LD NTC]
Sonnenschein and Nath, LLP
One Metropolitan Square
Suite 3000
St Louis , MO 63102
USA
314-241-1800
Fax : 314-259-5959
Email: Srovak@sonnenschein.com

Timothy J Shea, Jr
[COR LD NTC]
Sterne and Kessler, PLLC
1100 New York Avenue, NW
Washington , DC 20005
USA
202-772-8538
Fax : 202-371-2540
Email: Tshea@skgf.com

Amerifit Nutrition, Inc
DEFENDANT

Annapoorni R Sankaran
[COR LD NTC]
[Term: 01/08/2004]
Greenberg and Traurig, LLP
One International Place
Third Floor
Boston , MA 02110
USA
617-310-6000
Fax : 617-279-8458

David B Jenkins
[COR LD NTC]
[Term: 01/08/2004]
Thompson Coburn
One US Bank Plaza
St Louis , MO 63101
USA
314-552-6000
Fax : 314-552-7000
Email: Djenkins@thompsoncoburn.com

Gary R Greenberg
[COR LD NTC]
[Term: 01/08/2004]
Greenberg and Traurig, LLP
One International Place

Third Floor
 Boston , MA 02110
 USA
 617-310-6000
 Fax : 617-729-8458

Richard P. Cassetta
 [COR LD NTC]
 [Term: 01/08/2004]
Thompson Coburn
 One US Bank Plaza
 St Louis , MO 63101
 USA
 314-552-6000
 Fax : 314-552-7000
 Email: Rcassetta@thompsoncoburn.com





Kirill Y Abramov
 [COR LD NTC]
Sonnenschein and Nath, LLP
 One Metropolitan Square
 Suite 3000
 St Louis , MO 63102
 USA
 314-241-1800
 Fax : 314-259-5959
 Email: Kabramov@sonnenschein.com













Amerifit Nutrition, Inc Counter
 CLAIMANT











Solae, LLC Counter
 DEFENDANT








Archer Daniels Midland Company Counter
 CLAIMANT






Solae, LLC Counter
 DEFENDANT

Date	#	Proceeding Text
04/02/2004	 77	AMENDED CASE MANAGEMENT ORDER This case is assigned to Track: 3 Motion to Join Parties due by 6/14/2004. Discovery Completion due by 12/20/2004. Non-Dispositive Motions due by 12/31/2004. ADR Future Reference 7/18/2004. Dispositive Motions due by 3/4/2005. Jury Trial set for 6/6/2005 09:30 AM in Courtroom 10N before Honorable Henry E. Autrey. Pretrial Compliance due by 5/17/2005.. Signed by Judge Henry E. Autrey on 4/2/04. (CEL,) (Entered: 04/02/2004)
04/01/2004	 76	ANSWER to Complaint with Jury Demand, COUNTERCLAIM against plaintiff Solae, L.L.C. Jury DemandDemand, by Archer Daniels Midland Company. (Abramov, Kirill) (Entered: 04/01/2004)
04/01/2004	 75	ANSWER to Complaint with Jury Demand, COUNTERCLAIM against plaintiff Solae, L.L.C. Jury DemandDemand, by Amerifit Nutrition, Inc..(Abramov, Kirill) (Entered: 04/01/2004)
03/26/2004	=	Docket Text ORDER re 74 Consent MOTION for Leave to File An Answer On or before April 1, 2004 filed by Archer Daniels Midland Company ; ORDERED Granted. Signed by Judge Henry E. Autrey on 3/26/04. (MJM,) (Entered: 03/26/2004)
03/25/2004	 74	Consent MOTION for Leave to File An Answer On or before April 1, 2004 by Defendant Archer Daniels Midland Company. (Abramov, Kirill) (Entered: 03/25/2004)

- 03/24/2004 = Docket Text ORDER re 73 MOTION for Reconsideration filed by Archer Daniels Midland Company ; ORDERED DENIED. Signed by Judge Henry E. Autrey on 3/24/04. (MJM,) (Entered: 03/24/2004)
- 03/18/2004  73 MOTION for Reconsideration by Defendant Archer Daniels Midland Company. (Rovak, Stephen) (Entered: 03/18/2004)
- 03/15/2004  72 CASE MANAGEMENT ORDER This case is assigned to Track: 3 Motion to Join Parties due by 6/14/2004. Discovery Completion due by 12/20/2004. Non-Dispositive Motions due by 12/31/2004. ADR Future Reference 7/19/2004. Dispositive Motions due by 3/4/2005. Jury Trial set for 6/6/2005 09:30 AM in Courtroom 10N before Honorable Henry E. Autrey. Pretrial Compliance due by 5/18/2005. Motion in Limine due by 5/28/2005.. Signed by Judge Henry E. Autrey on 3/15/04. (CEL,) (Entered: 03/15/2004)
- 03/11/2004  71 ORDER It is hereby ordered that deft. Archer Daniels Midland Co.'s mtn. to dismiss for lack of standing and failure to join an indispensable party is denied #23 motion to dismiss. It is further ordered that mtn. of deft. Amerifit Nutrition Inc., to dismiss plttf.'s complaint is denied [25] Motion to Dismiss Signed by Judge Henry E. Autrey on 3/11/04. (CLA,) (Entered: 03/12/2004)
- 03/05/2004  70 ORDER It is hereby ordered that deft. Archer Daniels Midland Company's mtn. to vacate the court's order of 8/26/03 #51 is denied. Signed by Judge Jean C. Hamilton on 3/5/04. (CLA,) (Entered: 03/05/2004)
- 03/05/2004  69 ORDER It is hereby ordered that memorandum withdrawing memorandum in support of mtn. deft. Amerifit Nutrition Inc., to dismiss plttf.'s complaint filed 7/11/03, is granted [27] Signed by Judge Henry E. Autrey on 3/5/04. (CLA,) (Entered: 03/05/2004)
- 03/05/2004  68 MEMORANDUM in Support of Motion re [25] Motion to Dismiss filed by Defendant Amerifit Nutrition, Inc.. (CLA,) (Entered: 03/05/2004)
- 02/20/2004 = Docket Text ORDER re 67 MOTION for Leave to Appear Pro Hac Vice RE: Thomas Fleming filed by Solae, L.L.C.. Signed by Judge Henry E. Autrey on 2/20/04. (CEL,) (Entered: 02/20/2004)
- 02/13/2004  67 MOTION for Leave to Appear Pro Hac Vice Thomas Fleming by Plaintiff Solae, L.L.C.. (MJM,) (Entered: 02/18/2004)
- 02/13/2004 = Receipt # S2004-004255 in the amount of \$25.00 for ATTORNEY ADM. FEE - PHV on behalf of FLEMING, THOMAS F.. (CSW,) (Entered: 02/13/2004)
- 02/11/2004  66 ORDER IT IS HEREBY ORDERED that the Rule 16 conference previously scheduled for Friday, March 5, 2004 at 11:30 a.m. is hereby reset to 11:00 a.m. in the chambers of the undersigned. Rule 16 Conference set for 3/5/2004 11:00 AM in In Chambers before Honorable Henry E. Autrey.. Signed by Judge Henry E. Autrey on 2/11/04. (MJM,) (Entered: 02/11/2004)
- 01/30/2004  65 JOINT SCHEDULING PLAN by Defendants Amerifit Nutrition, Inc., Archer Daniels Midland Company, Plaintiff Solae, L.L.C... (Goerisch, C.) (Entered: 01/30/2004)
- 01/29/2004  64 ORDER re 63 Joint MOTION Reschedule Rule 16 Conference and For an Extension of Time to Submit Proposed Scheduling Plan filed by Archer Daniels Midland Company, Solae, L.L.C., Amerifit Nutrition, Inc. IT IS HEREBY ORDERED that Defendant's Joint MOTION to Reschedule Rule 16 Conference and For an Extension of Time to Submit Proposed Scheduling Plan [Doc. #63] is GRANTED. The Rule 16 conference previously scheduled for February 6, 2004 at 12:00 p.m. is hereby rescheduled to Friday, March 5, 2004 at 11:30 a.m. in the chambers of the undersigned. Rule 16 Conference set for 3/5/2004 11:30 AM in Courtroom 10N before Honorable Henry E. Autrey.. Signed by Judge Henry E. Autrey on 1/29/04. (MJM,) (Entered: 01/29/2004)
- 01/27/2004  63 Joint MOTION Reschedule Rule 16 Conference and For an Extension of Time to Submit Proposed Scheduling Plan by Defendants Amerifit Nutrition, Inc., Archer Daniels Midland Company, Plaintiff Solae, L.L.C.. (Abramov, Kirill) (Entered: 01/27/2004)
- 01/12/2004  62 RULE 16 ORDER This case is assigned to Track: (2) Standard Joint Scheduling Plan due by 1/27/2004. Rule 16 Conference set for 2/6/2004

- 12:00 PM in In Chambers before Honorable Henry E. Autrey.. Signed by Judge Henry E. Autrey on 1/12/04. (MJM,) (Entered: 01/12/2004)
- 01/08/2004 == Docket Text ORDER ; ORDERED GRANTING notice doc #60 - attys with Thompson Coburn and Greenberg Traurig termed as attys of record. Signed by Judge Henry E. Autrey on 1/8/04. (CEL,) (Entered: 01/20/2004)
- 01/08/2004 == Docket Text ORDER ; ORDERED GRANTING notice of firm change doc. #59 - address updated re: atty Carson; atty Ries termed as atty of record. Signed by Judge Henry E. Autrey on 1/8/04. (CEL,) (Entered: 01/20/2004)
- 01/06/2004  61 ENTRY of Appearance by Kirill Y. Abramov Defendant Amerifit Nutrition, Inc.. (Abramov, Kirill) (Entered: 01/06/2004)
- 01/06/2004  60 NOTICE by Defendant Amerifit Nutrition, Inc. of Withdrawal of Counsel (Cassetta, Richard) (Entered: 01/06/2004)
- 01/06/2004  59 NOTICE by Plaintiff Solae, L.L.C. of Firm Change for Certain Counsel and Withdrawal of Certain Other Counsel (Goerisch, C.) (Entered: 01/06/2004)
- 12/12/2003  58 MEMORANDUM re 57 Reply to Response to Motion by Defendants Amerifit Nutrition, Inc., Archer Daniels Midland Company. (Abramov, Kirill) (Entered: 12/12/2003)
- 12/11/2003 == Docket Text ORDER re 53 Joint MOTION to Consolidate Cases Consolidate with higher case number 4:03CV1595 filed by Archer Daniels Midland Company, Amerifit Nutrition, Inc. ; ORDERED Denied. Signed by Judge Henry E. Autrey on 12/11/03. (MJM,) (Entered: 12/16/2003)
- 12/11/2003  57 REPLY to Response to Motion re 53 Joint MOTION to Consolidate Cases Consolidate with higher case number 4:03CV1595 filed by Defendants Amerifit Nutrition, Inc., Archer Daniels Midland Company. (Abramov, Kirill) (Entered: 12/11/2003)
- 12/04/2003  56 RESPONSE/Memorandum in Opposition re 53 Joint MOTION to Consolidate Cases Consolidate with higher case number 4:03CV1595 filed by Plaintiff Solae, L.L.C.. (Attachments: # 1 Exhibit 1)(Goerisch, C.) (Entered: 12/04/2003)
- 11/21/2003  55 SUPPLEMENTAL re 53 Joint MOTION to Consolidate Cases Consolidate with higher case number 4:03CV1595 PROPOSED ORDER by Defendants Amerifit Nutrition, Inc., Archer Daniels Midland Company. (Abramov, Kirill) (Entered: 11/21/2003)
- 11/21/2003  54 MEMORANDUM in Support of Motion re 53 Joint MOTION to Consolidate Cases Consolidate with higher case number 4:03CV1595 filed by Defendants Amerifit Nutrition, Inc., Archer Daniels Midland Company. (Abramov, Kirill) (Entered: 11/21/2003)
- 11/21/2003  53 Joint MOTION to Consolidate Cases Consolidate with higher case number 4:03CV1595 by Defendants Amerifit Nutrition, Inc., Archer Daniels Midland Company. (Attachments: # 1 Exhibit A# 2 Exhibit B)(Abramov, Kirill) (Entered: 11/21/2003)
- 09/03/2003 52 RESPONSE by plaintiff Solae, L.L.C. to motion requesting the Court to vacate its order of 8/26/03 [51-1] (MJM) (Entered: 09/05/2003)
- 08/29/2003 51 MOTION by defendant Archer Daniels Co. requesting the Court to vacate its order of 8/26/03 (MJM) (Entered: 09/05/2003)
- 08/29/2003 51 RESPONSE by defendant Archer Daniels Co. to [48-1] (CLA) (Entered: 09/02/2003)
- 08/26/2003 50 SEALED DOCUMENT by plaintiff Solae, L.L.C. [50-1] (MJM) (Entered: 08/27/2003)
- 08/26/2003 50 SUR-REPLY by plaintiff Solae, L.L.C. to response to motion to dismiss Plaintiff's Complaint Date Motion Received: 7/11/03 [25-1], motion to dismiss Date Motion Received: 7/10/03 [23-1] [23-1] w/ exh 19 attached (FILED UNDER SEAL) (MJM) Modified on 08/27/2003 (Entered: 08/27/2003)
- 08/26/2003  49 RULED DOCUMENT by Honorable Henry E. Autrey granting motion for leave to file surreply under seal [48-1] (cc: all counsel) (MJM) (Entered: 08/27/2003)
- 08/25/2003 48 MOTION by plaintiff Solae, L.L.C. for leave to file surreply under seal (MJM)

- (Entered: 08/26/2003)
- 08/14/2003 47 REPLY by defendant Archer Daniels Co. to response to motion to dismiss Date Motion Received: 7/10/03 [23-1] [23-1] w/ exhs m-o attached (MJM) (Entered: 08/15/2003)
- 08/14/2003 46 REPLY by defendant Amerifit Nutrition to response to motion to dismiss Plaintiff's Complaint Date Motion Received: 7/11/03 [25-1] (MJM) (Entered: 08/15/2003)
- 08/11/2003 45 SEALED DOCUMENT by plaintiff Solae, L.L.C. [45-1] (MJM) (Entered: 08/11/2003)
- 08/11/2003 45 RESPONSE (memo in opp.) by plaintiff Solae, L.L.C. to motion to dismiss Plaintiff's Complaint Date Motion Received: 7/11/03 [25-1] w/ declaration of David F. Ries in support of resp. to mtn. attached (FILED UNDER SEAL) (MJM).(Entered: 08/11/2003)
- 08/11/2003  44 RULED DOCUMENT by Honorable Henry E. Autrey granting motion for leave to file resp. to motion under seal [43-1] (cc: all counsel) (MJM) (Entered: 08/11/2003)
- 08/04/2003 43 MOTION by plaintiff Solae, L.L.C. for leave to file resp. to motion under seal w/ resp. attached (MJM) (Entered: 08/05/2003)
- 07/25/2003 42 DISCLOSURE of Corporation Interests Certificate Parent companies: None Subsidiaries: All subsidiaries are wholly owned by Amerifit Publicly held company: Jefferies, Inc., Fleet Bank and GlaxoSmithKline each are public companies which own ten percent (10%) or more of Amerifit through various private investment funds which they own or control by defendant Amerifit Nutrition (MJM) (Entered: 07/28/2003)
- 07/23/2003  41 RULED DOCUMENT by Honorable Henry E. Autrey granting motion for attorney Annapoorni R. Sankaran to appear pro hac vice [38-1] (cc: all counsel) (CLA) (Entered: 07/25/2003)
- 07/23/2003  40 RULED DOCUMENT by Honorable Henry E. Autrey granting motion for attorney Gary R. Greenburg to appear pro hac vice [37-1] (cc: all counsel) (CLA) (Entered: 07/25/2003)
- 07/22/2003 38 MOTION by defendant Amerifit Nutrition for attorney Annapoorni R. Sankaran to appear pro hac vice (MJM) (Entered: 07/23/2003)
- 07/22/2003 37 MOTION by defendant Amerifit Nutrition for attorney Gary R. Greenburg to appear pro hac vice (MJM) (Entered: 07/23/2003)
- 07/21/2003  36 RULED DOCUMENT by Honorable Henry E. Autrey granting motion for additional time to file response to defendant Amerifit's Motion to dismiss [28-1] Pltff granted until 8/4 to file opposition to Amerifit's motion and Amerifit is granted until 8/14 to file reply (cc: all counsel) (CEL) (Entered: 07/22/2003)
- 07/21/2003  35 RULED DOCUMENT by Honorable Henry E. Autrey granting motion for attorney Donald R. Banowit to appear pro hac vice [29-1] (cc: all counsel) (CEL) (Entered: 07/21/2003)
- 07/21/2003  34 RULED DOCUMENT by Honorable Henry E. Autrey granting motion for attorney Timothy J. Shea, Jr. to appear pro hac vice [30-1] (cc: all counsel) (CEL) (Entered: 07/21/2003)
- 07/21/2003  33 RULED DOCUMENT by Honorable Henry E. Autrey granting motion for attorney David K.S. Cornwell to appear pro hac vice [31-1] (cc: all counsel) (CEL) (Entered: 07/21/2003)
- 07/17/2003 32 RECEIPT # S2003-009440 in the amount of \$ 75.00 for Attorney Admission for Donald R. Banowit, Timothy J. Shea, Jr., and David K.S. Cornwell (MJM) (Entered: 07/18/2003)
- 07/17/2003 31 MOTION by defendant Archer Daniels Co. for attorney David K.S. Cornwell to appear pro hac vice (MJM) (Entered: 07/18/2003)
- 07/17/2003 30 MOTION by defendant Archer Daniels Co. for attorney Timothy J. Shea, Jr. to appear pro hac vice (MJM) (Entered: 07/18/2003)
- 07/17/2003 29 MOTION by defendant Archer Daniels Co. for attorney Donald R. Banowit to appear pro hac vice (MJM) (Entered: 07/18/2003)

- 07/16/2003 28 MOTION by plaintiff Solae, L.L.C. for additional time to file response to defendant Amerifit's Motion to dismiss (MJM) (Entered: 07/17/2003)
- 07/14/2003 27 MOTION by defendant Amerifit Nutrition to withdraw the memo in support of motion to dismiss w/ corrected memo in support attached (MJM) (Entered: 07/15/2003)
- 07/14/2003  26 RULED DOCUMENT by Honorable Henry E. Autrey granting motion for extension of time for Plaintiff to file a response to motion to dismiss up to and including 8/4/03 and Defendant to file a reply in support of motion up to and including 8/14/03 [24-1], granting motion for leave to submit motion to dismiss [24-1] (cc: all counsel) (MJM) (Entered: 07/15/2003)
- 07/11/2003 25 MOTION by defendant Amerifit Nutrition to dismiss Plaintiff's Complaint Date Motion Received: 7/11/03 (MJM) (Entered: 07/15/2003)
- 07/10/2003 24 MOTION by plaintiff Solae, L.L.C., defendant Archer Daniels Co. for extension of time for Plaintiff to file a response to motion to dismiss up to and including 8/4/03 and Defendant to file a reply in support of motion up to and including 8/14/03 w/ proposed order, motion to dismiss, memo in support and declaration of David K.S. Cornwell attached (MJM) (Entered: 07/11/2003)
- 07/10/2003 24 MOTION by plaintiff Solae, L.L.C., defendant Archer Daniels Co. for leave to submit motion to dismiss w/ proposed order and motion to dismiss, memo in support and declaration of David K.S. Cornwell attached. (MJM) (Entered: 07/11/2003)
- 07/03/2003 23 MOTION by defendant Archer Daniels Co. to dismiss Date Motion Received: 7/10/03 [23-1] w/ memo in support and declaration of David K.S. Cornwell in support of motion attached (MJM) (Entered: 07/15/2003)
- 07/03/2003 23 Notice of Motion: Motion to Dismiss by defendant Archer Daniels Co. (MJM) (Entered: 07/08/2003)
- 07/02/2003 39 RECEIPT # S2003-009526 in the amount of \$ 50.00 for Attorney Admission for Gary Greenburg and Annapoori Sankaran (MJM) (Entered: 07/23/2003)
- 07/01/2003  22 RULED DOCUMENT by Honorable Henry E. Autrey granting motion for an extension of time to respond to Plaintiff's complaint up to and including 7/14/03 [19-1] (cc: all counsel) (MJM) (Entered: 07/02/2003)
- 06/30/2003 21 ATTORNEY APPEARANCE for plaintiff Solae, L.L.C. by Patricia Carson (Entry of appearance received in Clerk's Office on 6/20/03-- Order admitting pro-hac signed 6/30/03) (MJM) (Entered: 07/01/2003)
- 06/30/2003  20 RULED DOCUMENT by Honorable Henry E. Autrey granting motion for attorney Patricia A. Carson to appear pro hac vice [12-1] (cc: all counsel) (MJM) (Entered: 07/01/2003)
- 06/30/2003 19 MOTION by defendant Amerifit Nutrition for an extension of time to respond to Plaintiff's complaint up to and including 7/14/03 (MJM) (Entered: 07/01/2003)
- 06/26/2003 18 DISCLOSURE of Corporation Interests Certificate Parent companies: None Subsidiaries: See Attachment Publicly held company: None by defendant Archer Daniels Co. (MJM) (Entered: 06/27/2003)
- 06/26/2003  17 RULED DOCUMENT by Honorable Henry E. Autrey granting motion for extension of time to answer Plaintiff's complaint until 7/3/03 [16-1] (cc: all counsel) (MJM) (Entered: 06/26/2003)
- 06/26/2003 16 MOTION by defendant Archer Daniels Co. for extension of time to answer Plaintiff's complaint until 7/3/03 (MJM) (Entered: 06/26/2003)
- 06/26/2003 16 ATTORNEY APPEARANCE for defendant Archer Daniels Co. by Stephen H. Rovak, Michael T. Marrah, Kirill Y. Abramov (MJM) (Entered: 06/26/2003)
- 06/23/2003 15 ATTORNEY APPEARANCE for plaintiff Solae, L.L.C. by David F. Ries (MJM) (Entered: 06/24/2003)
- 06/23/2003  14 RULED DOCUMENT by Honorable Henry E. Autrey granting motion for attorney David F. Ries to appear pro hac vice [10-1] (cc: all counsel) (MJM) (Entered: 06/24/2003)
- 06/20/2003 13 RECEIPT # S2003-008425 in the amount of \$ 25.00 for Attorney admission for Patricia Carson (MJM) (Entered: 06/24/2003)


06/20/2003 12 MOTION by plaintiff Solae, L.L.C. for attorney Patricia A. Carson to appear pro hac vice (MJM) (Entered: 06/24/2003)

06/19/2003 11 RECEIPT # S2003-008389 in the amount of \$ 25.00 for Attorney admission for David L. Ries (MJM) (Entered: 06/20/2003)

06/19/2003 10 MOTION by plaintiff Solae, L.L.C. for attorney David F. Ries to appear pro hac vice (MJM) (Entered: 06/20/2003)

06/12/2003 9 RETURN OF SERVICE executed upon defendant Archer Daniels Co. on 6/4/03 by personal service by serving Bonnie Hunt, Registered Agent (MJM) (Entered: 06/13/2003)

06/11/2003 8 RETURN OF SERVICE executed upon defendant Amerifit Nutrition on 6/10/03 by personal service by serving Luz Marquez (MJM) (Entered: 06/12/2003)

06/05/2003  7 RULED DOCUMENT by Honorable Henry E. Autrey granting motion for order to substitute exhibit a of the complaint filed 6/3/03 [6-1] (cc: all counsel) (MJM) (Entered: 06/05/2003)

06/04/2003 6 MOTION by plaintiff Solae, L.L.C. for order to substitute exhibit a of the complaint filed 6/3/03 substituting exhibit a attached (MJM) (Entered: 06/05/2003)

06/03/2003 = REPORT on the filing or determination of an action regarding Patent (cc: form mailed to register) (KLK) (Entered: 06/03/2003)

06/03/2003 5 NOTICE OF PRIVATE PROCESS SERVER; Process Server: Markell & Associates (KLK) (Entered: 06/03/2003)

06/03/2003 4 DISCLOSURE of Corporation Interests Certificate Parent companies: E.I. du Pont de Nemours and Company and Bunge Ltd. Subsidiaries: So Good International, Fuji Protein Technologies, DuPont Shineway Louhe Protein Company Limited, and Solae do Brasil. Publicly held company: E.I. du Pont de Nemours and Company and Bunge Ltd. by plaintiff Solae, L.L.C. (KLK) (Entered: 06/03/2003)

06/03/2003 3 TRACK INFORMATION STATEMENT filed by plaintiff Solae, L.L.C. track 3 preferred (KLK) (Entered: 06/03/2003)

06/03/2003 2 RECEIPT # S2003-007859 in the amount of \$ 150.00 for filing fee (KLK) (Entered: 06/03/2003)

06/03/2003 1 COMPLAINT; # Summons Issued: 2 # Days to Respond: 20 # Counts: 1 Disclosure of Corp Cert issued to: deft; jury demand exhibits attached: A-B (KLK) (Entered: 06/03/2003)

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